

#6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Massimo Fini, et al.

U.S. Serial No.: 10/018,899

PCT International Application No.:

PCT/US00/06164

Int'l Filing Date: 9 March 2000

For: FACE OR NOSE MASK FOR
NON-INVASIVE VENTILATION OF
PATIENTS IN GENERAL

) Examiner: Not assigned
) Group Art Unit: Not assigned
) Docket No. MALCC 59155
)

CERTIFICATE OF MAILING

) I hereby certify that this paper and the documents referred
) to as being attached or enclosed herewith are being
) deposited with sufficient postage as First Class Mail in an
) envelope addressed to: **Box PCT, COMMISSIONER**
) **FOR PATENTS, WASHINGTON, D.C. 20231**
) on May 28, 2002

) 
) David G. Parkhurst, Reg. No. 29,422

May 28, 2002

Los Angeles, California 90045

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Box PCT
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Responsive to the Notification of Missing Requirements dated

March 27, 2002, a copy of which is attached, enclosed is the Declaration and Power of Attorney, Assignment with cover sheet and our check for \$40.00 to cover the fee for recordation of the assignment.

U.S. Serial No. 10/018,899

It is believed that no additional fees are due in connection with this response. However, if any fees are due, the Commissioner is authorized to charge any such fees to Deposit Account No. 06-2425.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP


David G. Parkhurst, Reg. No. 29, 422

DGP:rvw

Enclosures: Return Postcard
Copy of Notification of Missing Requirements dated March 27, 2002
Declaration and Power of Attorney
Assignment with cover sheet
Check (\$40.00)

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Tele. No. (310) 824-5555
Facsimile No. (310) 824-9696

Customer No. 24201

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FORM PTO-1390
(REV. 12-2001)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

MALCC 59155

U.S. APPLICATION NO. (If known, see 37 CFR 1.5

10/818,899

INTERNATIONAL APPLICATION NO.
PCT/US00/06164INTERNATIONAL FILING DATE
9 March 2000PRIORITY DATE CLAIMED
12 March 1999TITLE OF INVENTION
FACE OR NOSE MASK FOR NON-INVASIVE VENTILATION OF PATIENTS INAPPLICANT(S) FOR DO/EO/US
FINI, Massimo, et al.

GENERAL

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Return Postcard, Missing Parts Notice (copy) and Response to Notice to File Missing Parts

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/018,899	INTERNATIONAL APPLICATION NO. PCT/US00/06164	ATTORNEY'S DOCKET NUMBER
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21. <input type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. \$1040.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$890.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$740.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$710.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT =	CALCULATIONS PTO USE ONLY																										
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	\$																										
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 20%;">CLAIMS</th> <th style="width: 20%;">NUMBER FILED</th> <th style="width: 20%;">NUMBER EXTRA</th> <th style="width: 20%;">RATE</th> <th style="width: 20%;">\$</th> </tr> <tr> <td>Total claims</td> <td style="text-align: center;">- 20 =</td> <td></td> <td style="text-align: center;">x \$18.00</td> <td style="text-align: center;">\$</td> </tr> <tr> <td>Independent claims</td> <td style="text-align: center;">- 3 =</td> <td></td> <td style="text-align: center;">x \$84.00</td> <td style="text-align: center;">\$</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td style="text-align: center;">+ \$280.00</td> <td style="text-align: center;">\$</td> </tr> <tr> <td colspan="4" style="text-align: right;">TOTAL OF ABOVE CALCULATIONS =</td> <td style="text-align: center;">\$</td> </tr> </table>	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	Total claims	- 20 =		x \$18.00	\$	Independent claims	- 3 =		x \$84.00	\$	MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$280.00	\$	TOTAL OF ABOVE CALCULATIONS =				\$	\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$																							
Total claims	- 20 =		x \$18.00	\$																							
Independent claims	- 3 =		x \$84.00	\$																							
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$280.00	\$																							
TOTAL OF ABOVE CALCULATIONS =				\$																							
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.	\$																										
SUBTOTAL =	\$																										
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).	\$																										
TOTAL NATIONAL FEE =	\$																										
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +	\$ 40.00																										
TOTAL FEES ENCLOSED =	\$ 40.00																										
	Amount to be refunded:	\$																									
	charged:	\$																									

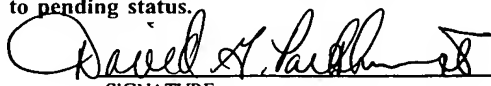
a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
 A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any
 overpayment to Deposit Account No. 06-2425. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card
 information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR
 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO: David G. Parkhurst, Esq. FULWIDER PATTON LEE & UTECH, LLP Howard Hughes Center - 10th Fl. 6060 Center Drive Los Angeles, CA 90045	 SIGNATURE David G. Parkhurst <hr/> NAME 29,422 <hr/> REGISTRATION NUMBER May 28, 2002
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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/018,899	Massimo Fini	MALCC 59155

David G Parkhurst
Fulwider Patton Lee & Utecht
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6060 Center Drive 10th Floor
Los Angeles, CA 90045

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BY DOCKET DEPT.
APR 02 2002

FULWIDER PATTON LEE & UTECHT, LLP
LOS ANGELES

INTERNATIONAL APPLICATION NO.	
PCT/US00/06164	
I.A. FILING DATE	PRIORITY DATE
03/09/2000	03/12/1999

CONFIRMATION NO. 6096

371 FORMALITIES LETTER

OC000000007723352

Date Mailed: 03/27/2002

Response Due May 27, 2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 305-3736

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/018,899	PCT/US00/06164	MALCC 59155

FORM PCT/DO/EO/905 (371 Formalities Notice)